1:Barnes E-5 (1946-1949) 1954 FR5 Ngoni FR5
Mpezeni

Chapter Two

THE SNOWBALL STATE

1. Manipulation 2. Age-sets 3. Officers of State 4. Continually segmenting systems 5. Lineage systems compared 6. Splitting the State 7. Stability

1. *Manipulation*

In our first chapter we outlined some of the more significant events in Ngoni history prior to the arrival of Europeans. In this chapter we shall examine the political system within which these events took place. It is not the task of social analysis to determine why these or any other events occurred. What we shall attempt is a discussion of how they occurred, and what were the principal social relations involved in them.

Most of the incidents referred to in the first chapter concerned the State as a whole or the royal family. Nevertheless, when we begin to consider the conditions under which the State endured we have to discuss the social position of ordinary men and women within the State. For the Ngoni State held together as an organized social group, and on occasion failed to hold together, not merely because Zwangendaba was a good leader or his sons quarrelsome or his brothers ambitious, or because his people were bound by custom and knew no better, but also, and in our view mainly, because the State was a viable social entity in its time and place. The arrangement of people into segments and age-sets was not a mere formal and static division, but a means whereby a motley heterogeneous collection of individuals was converted into an organized society with agreed aims. The structure of the State had rules; in other words there was regularity in its social processes. Yet it was a structure which, within these rules, could be manipulated. The structure could be, and was, utilized by individuals for the realization of their private ends at the expense of others as well as providing for the common good. This is probably true of all social systems. We shall begin our analysis by examining the ways in which this manipulation was carried out.

In most societies, from the simplest system of hunting bands to the complex societies of the modern world, one of the most significant sets of rights are those relating to fixed natural resources. The structure of rights in land provides a key to the structure of society.

1:Barnes E-5 (1946-1949)1954 FR5 Ngoni FR5
Mpezeni

439 relationship between Ngoni and Europeans was of a somewhat
648 different kind, and one of its most interesting features was an attempt by the Ngoni, persisted in for many years, to establish a monopoly over the missionaries, at the expense of another tribe with whom they were at war.[129] In Fort Jameson the social field was more complex. One of Mpezeni's sons tried to sell ivory to Wiese illegally without his father's knowledge,[130] and we may look on this as an attempt to establish a relationship with him differentiated from the wider relationship between Wiese and the Ngoni as a whole, or perhaps as an attempt on Wiese's part to penetrate Ngoni society along its lines of structural cleavage. His and Deare's support for a candidate for the heirship was similar in intention.
[661] Mpezeni's efforts to gain support from Kotakota against his people was a more noticeable attempt to utilize the power of the Whites in his own sectional interest. Similarly the readiness with which raided chiefs made treaties was certainly related to their weak position in relation to the Ngoni and their hope of support against them. Even with the traders, as distinct from the treaty-collectors, this consideration was relevant. Deare relates how he asked Mpezeni to prevent raiding near the North Charterland supply route which passed through Undi's country. When later he visited Undi, he was welcomed for stopping the raids and was given ivory. Thus although at Fort Jameson no one group had a monopoly of access to the Europeans, there were these attempts to establish specific relations with them to the advantage of the different groups concerned.

[178] For as soon as two groups are brought into contact, and for some reason neither group annihilates the other, there is a change in the structure of the social field in which they act. Life can no longer go on as before, for every man has new potential allies and new potential enemies. There is no established order to which appeal can be made, for a new order has to be created. A new set of alignments, a new social structure, emerges from the manoeuvring and intriguing of the transition period which must differ from the old because of the new interests and new relationships which it contains.

Thus Europeans discriminated between one African group and another. Similarly the Ngoni established different relations with different European groups. From the beginning it was clear that the Portuguese and the British were to be distinguished, and Mpezeni preferred the inaction of the former to the efficiency of

[129] cf. Elmslie, *Wild Ngoni*, pp. 97, 129, 237 and 245.
[130] Wiese, 'Expedição', x, pp. 491-2.

1:Barnes E-5 (1946-1949)1954 FR5 Ngoni FR5
Mpezeni

support those of his colleagues. However, chiefs and others do sometimes manage to play off one administrator against another where there are differences of interest between different departments of the Administration, and occasionally appeals by Ngoni chiefs to high Administrative officials against the actions of their juniors are successful. It is easier for Ngoni to exploit the much greater differences of interest between the different sections of the non-African community, officials, missions, planters and European and Indian traders.

In the early years of this century it appears that the chiefs were approached by labour recruiters, planters, and missionaries who wished to gain their favour and utilize this to their own advantage. It is difficult to gauge to what extent this practice continues. There are one or two recent instances where the missions have clearly recognized the importance to them of securing the goodwill of an Ngoni in high authority, and it would also appear that some high-placed Ngoni have utilized their position to gain from the missions services which might not otherwise have been so readily available to them. With the cessation of labour recruiting there has been no opportunity for recruiters to offer presents to chiefs to sweeten their way. The nearest modern equivalent to this practice is found in the facilities sometimes provided by mine managers in the Copperbelt and elsewhere for Ngoni and other chiefs to visit their tribesmen working there, but with the increased stabilization of labour at the mines this arrangement has declined in importance. Traders have been known to offer bribes to chiefs, but so far as can be judged, money and goods handed over in this way often bring no return, and indeed some of the objects for which bribes are offered are plainly beyond the power of the person concerned to grant. Planters also seek to gain the support of those with influence in tribal and village life. In matters of this kind it is difficult for the observer who spends only a short time in the area to come to any quantitative estimates, but it is my impression that as compared with comparable situations in West Africa, as reported in the literature, there is little bribery in Ngoni society. The first reason that suggests itself is the poverty of the Ngoni in relation to their European and Indian neighbours. Ngoni do not control any rich natural resources, save perhaps for a few timber trees, with which they might be persuaded to part. The only form of wealth they possess which is of value to their neighbours is their manpower. This was once worth buying and perhaps could be bought. Now the chiefs and headmen do not have the authority to order their people to go and work for a particular employer. Even if they did, Ngoni make

l:Barnes E-5 (1946-1949)1954 FR5 Ngoni FR5
Mpezeni

696 In the court itself the magnitude of the penalties imposed and damages awarded is to some extent at the discretion of the court, and political considerations, among others, may influence judgments. Adultery with the wife of a chief is more heavily punished [681] than ordinary adultery, and people from other tribes, particularly [186] the Yao, are discriminated against. Ngoni courts maintain that they recognize only Ngoni law, even though the disputants may belong to other tribes. These ideas are familiar enough, but they indicate that questions of group membership, that is, political affiliation, and relations between groups, do influence the actions of the court. Within a county, hostility between a group having [578] the ear of the court and one lacking it may find expression in procedural obstructions, such as always hearing a particular suit at the end of a day, or of continually postponing the hearing because some minor witness is absent.

The chief and his advisers usually endeavour to maintain a 661 monopoly of access to the Administration, and this endeavour is 648 largely supported by the Administration as a matter of policy. In 696 the particular sphere of legal action, appeal from the Native Court to the District Officer is sometimes regarded as a challenge to this monopoly, and litigants are sometimes punished for stating that they intend to appeal. In a celebrated recent case when a chief was successfully sued in the District Commissioner's court for damages for adultery, his people came to him afterwards to express their condolences, as after a funeral, at the injury done to his high office by this procedure.

Native Courts are formally recognized under Ordinance by 692 the Administration, and hence changes in the indigenous legal 648 system brought about by the Administration are legal changes, in that they have behind them all the paraphernalia of Ordinances, Letters Patent, Orders-in-Council, and Acts of the United Kingdom Parliament. This gives a special quality to manipulation of the legal system by the Administration, for this is really only another way of saying that effective sovereignty lies with the British Crown and not with Paramount Chief Mpezeni. But within the framework of analysis of the local situation, the actions of the Administration and of the chiefs in controlling the working of the courts are comparable sociologically.

The Administration is continually exercised about the quality of the work done in Native Courts, and in so far as all cases heard in Native Courts are subject to revision by the District Commissioner a direct check is, or could be, exerted on the way in which the courts operate. But Administrative intervention goes further

1:Barnes E-5 (1946-1949)1954 FR5 Ngoni FR5
Mpezeni

rule as a Native Authority Order.[26] Thus the chiefs preferred to appear as legislators enforcing their own laws rather than as the judicial agents of the Administration.

Besides the Administration, other groups external to the indigenous system endeavour to influence the action of the courts. Thus missions work through chiefs to try to prevent the granting of divorces in the courts, traders endeavour to get their disputes with Africans heard in Native Courts rather than in those of the Administration, and farmers request courts to hear promptly cases which concern their employees.

Occasionally the Ngoni chiefs meet together with their people and formally make a new law. This appears to have happened about once in each decade. Yet in the courts new decisions are constantly being taken since the circumstances in which disputes arise are continually altering. The way in which these decisions are imposed throws light on the position of the court within the county, for many of these new decisions, precedents as we would call them, are introduced under the guise of a revival of some good but lately neglected tribal custom. There is no recorded corpus of Native law and custom which the Native Courts are empowered to enforce and, therefore, to say that a new decision is merely a revival of an established usage satisfies the requirements of the Administration, provided the usage is not 'repugnant to natural justice and morality'. On the other hand, it enables the court members to legislate without referring the matter to a meeting of the whole tribe or county, at which anyone would be free to speak his mind. Thus the group of persons who are in power in the court further entrench their position.[27]

9. *Moral and physical sanctions*

The counties and the tribe persist as social groups despite the ease with which their members may move away to other surroundings. The Native Authority remains in power, and its courts are full of litigants, despite the unequal distribution of privileges and rewards. In a general sense the system works because there are moral as well as physical sanctions behind the rulings of the court. There is general agreement about the rights and wrongs of the actions with which the courts have to deal, and it is this that in the end usually makes a man pay damages and fines that have been awarded against him rather than the threat of the Administration's force behind the court. The decisions of the courts are subject to

[26] *African Affairs, report*, 1948, p. 47.
[27] For a further analysis of this legislative process, see my paper, 'History'.

3: Read E-5 (1935-1939)1960
FR5 Ngoni FR5

Africa. All males had to pay taxes to the government, at first in kind and later in cash, thus hastening the advent of a money economy. Most drastic of all the changes was the ban on warfare, which cut at the roots of Ngoni political organization, and at their system of training their young men.

In the Northern Ngoni kingdom, the Scottish Mission preceded the administration by more than twenty years, and were largely responsible for a peaceful take-over of the area. In the Central kingdom there was a brief war of resistance, in which the Ngoni armies were dispersed and the Paramount killed on his way to trial. In this area mission activity, under several missions, never achieved, especially in education, the ascendancy which the Scottish Mission achieved among the Ngoni in the North.

As one result of the cessation of warfare, and of school education leading to paid employment, there was an economic redistribution of wealth among the Ngoni. Formerly wealth had been associated with political power, and the Paramounts and their subordinate chiefs and heads of clans had command of large herds of cattle, received the spoils from wars and raids, and used the labour of conquered villages to cultivate the land. After the missions and government were established, men with schooling began to earn money as teachers, clerks and mechanics, and so to command financial resources which were not available to the traditional leaders. The young men responded to the labour recruitment which became a permanent feature in Nyasaland from the 1890s, and they went far afield to many types of work.

It was evident, just before World War II, that the Ngoni kingdoms had had a profound shock from which they never fully recovered, in spite of the recognition of their Paramount Chiefs by the Native Authorities Ordinance in 1934. The older men looked back with nostalgia to what they called 'the time of peace, when the Europeans were not here to trouble us'. These older men were known as 'the generation of former days', because they had taken part in warfare

10: Barnes E-5 (1946-1949) 1959
FR5 Ngoni FR5
Mpezeni

687 sensitive to suggestions that a chief may be oppressing his people,
648 usually works through the Paramount. One minor chief was sent to the Paramount's village for a period of instruction in order that he might learn how to rule wisely. On another occasion a chief who had abused the Administration was fined one month's salary by the Paramount. In both these instances the Administration was the initiator of the Paramount Chief's action, but he may also act without reference to it. It was reported to the Paramount that a certain minor chief had struck one of his subjects who had been slow to offer him beer. The Paramount warned the minor chief that he might kill someone this way, and that he ought to fine people, not to strike them. In a dispute between a minor chief and his court clerk over some new court furniture, which the chief wished to use in his own house, the Paramount intervened and ordered that the chairs be put in the courthouse.

643 The Paramount himself is subject to social constraint, and may be criticized by his senior lieutenants. He is advised on how he should behave by these men, and if his behaviour is unsatisfactory they may rebuke him. At county meetings, headmen and others can voice their
644 complaints against the royal house as a whole, and have from time to
661 time protested successfully at such a meeting against too many of the Native Authority posts being filled by members of the royal lineage.

The Native Authority

647 Under the Native Authority system, introduced by the Administra-
[648] tion in 1929, there are a number of paid officials, apart from the chiefs, whose salaries are met by the Native Treasury. They include councillors, assessors, clerks, police, postmen, school attendance officers, and others. The most important of these, and the most highly paid, are
692 the councillors and assessors. They sit once or twice a week in court and hear cases brought before them. Each of the chiefs has a court, and for the most part the cases that come before a county court are brought by people living in the county. When litigants from two counties are involved there is no definite rule as to which court will hear the case and it largely depends on the wish of the instigator of the proceedings. Cases come before the Paramount Chief's county court that concern people from other counties and a litigant may take his case from one chief to another, including the Nyasaland chiefs, in an attempt to obtain a favourable and enforceable decision. The Appeal Court sits at the Paramount Chief's village and is held once a month.